

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: 6/15/05 - MAR

Division: County Attorney's Office

Bulk Item: Yes X No

Contact: Suzanne Hutton, Asst. County Attorney

AGENDA ITEM WORDING:

Request approval to refund \$500 Road Abandonment fee, \$250 to Flynn Smith and \$250 to Kathleene Steinmuller.

ITEM BACKGROUND:

Prior to County Attorney's office sending requests for departmental reviews by Planning, Engineering and the Fire Marshal, Mr. Smith contacted County Attorney with information regarding prior abandonment. It has been verified that the road was abandoned October 14, 1969, via Resolution No. 103-1969.

PREVIOUS RELEVANT BOCC ACTION:

None

CONTRACT/AGREEMENT CHANGES:

N/A

STAFF RECOMMENDATIONS:

Approval

TOTAL COST:

BUDGETED: Yes No

COST TO COUNTY:

SOURCE OF FUNDS:

REVENUE PRODUCING: Yes No **AMOUNT PER MONTH** **Year**

APPROVED BY: County Atty *[Signature]* OMB/Purchasing Risk Management

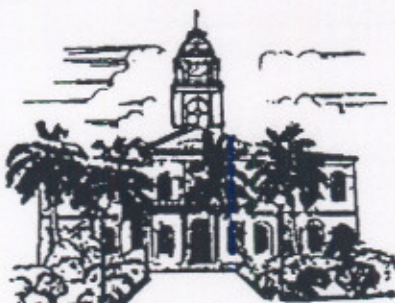
DIVISION DIRECTOR APPROVAL:

[Signature] 05/10/05
JOHN R. COLLINS, COUNTY ATTORNEY

DOCUMENTATION: Included To Follow Not Required

DISPOSITION:

AGENDA ITEM #



BOARD OF COUNTY COMMISSIONERS

Mayor Dixie M. Spehar, District 1
Mayor Pro Tem Murray E. Nelson, District 5
George Neugent, District 2
Charles "Sonny" McCoy, District 3
David P. Rice, District 4

Office of the County Attorney
502 Whitehead Street, Rear
Post Office Box 1026
Key West, FL 33041-1026
(305) 292-3470



MEMORANDUM

TO: Ginger Campbell, Finance Department

FROM: Kathy Peters, County Attorney's Office *Kathy*

RE: Road Abandonment Petition – *Sunny Lane, Cudjoe Key*
Submission of Petition Fee

DATE: May 4, 2005

Enclosed please find Check No. 1883 and Check No. 2333, both made payable to Monroe County and both in the amount of \$250, for a total of \$500, received by this office from the Petitioner in the above-referenced Road Abandonment Petition.

Please deposit the enclosed checks in the appropriate account. Should you have any questions or concerns, please feel free to contact Assistant County Attorney Suzanne Hutton or myself by phoning (305) 292-3470.

KMP/

Enclosure (Check No. 1883 and Check No. 2333)

CAPTAINS MARINE 1-85
PH. 294-7683
2817 VENETIAN DRIVE
KEY WEST, FL 33040

2333

Date 5-1-05

63-43
670

Pay to the
order of

Monroe Co.

\$ 250.00

two hundred fifty dollars and no/100

Dollars

FIRST STATE BANK
OF THE FLORIDA KEYS 1
KEY WEST, FLORIDA 33040

For

Road Abandonment

[Signature]

⑈002333⑈ ⑈067000438⑈ ⑈0100166041⑈

KATHLENE CROWELL STEINMULLER
P.O. BOX 420815
CUDJOE KEY, FL 33042-0815

1883

Date 28 Apr. 05

63-43/670
6

Pay to the
Order of

Monroe County

\$ 250.-

Two hundred and Fifty

Dollars

FIRST STATE BANK
OF THE FLORIDA KEYS
SUMMERLAND KEY, FLORIDA 33042

PRIME TIME 55

For ROAD ABANDONMENT
APPLICATION FEE

⑈067000438⑈ ⑈0606403371⑈

1883

©Clarke American

- Check # 1883
Steinmuller
- Check # 2333
Smith

ROAD ABANDONMENT PETITION

NAME Flynn Smith * KATHLENE E. STEINMULLER
ADDRESS 21113 Sunny Ln. 50 SAWYER DR., CUDTOL Key
STREET/EASEMENT to be abandoned Sunny Ln. (unimproved)
KEY CudTol Key Mile Marker 21
DATE 04-21-05 PHONE 305-745-1176 ^{PH+} FAX 305-745-1729
E-mail the heart of key west @ Hot mail .com cool_2@mindspring.com

We hereby petition the Honorable Board of County Commissioners to renounce and disclaim any right of the County and the public in and to the above-referenced street, alleyway, road or right-of-way as further depicted and described in the following attachments:

(Exhibit A)

☒ **Survey** (preferably 11" x 17" or 8½" x 11") Description of roadway to be abandoned and survey showing that portion marked with diagonal lines with petitioners' property clearly delineated and outlined, and showing all adjacent properties.

(Exhibit B)

Map of Key on which road is located, clearly showing US 1, Mile Marker number and portion of road to be abandoned.

included with Survey. - ~~map~~

(Exhibit C)

☒ **Copies of Deed(s)** - Petitioners certify that they are the sole owners of Lot(s) _____ and that the abandonment of said road will not take away from other property holders' right of ingress and egress to their property, and that taxes for the year _____ have been paid on their subject land.

*

(Exhibit D)

Legal description of that portion of roadway which petitioners seek to have abandoned.

(Exhibits E-1, E-2, E-3, E-4)

Letters of no objection from utility companies - including, but not limited to, water, electricity, telephone, and cable TV.

(Exhibit F)

Letters of no objection from all adjacent property owners and list of names and addresses of all adjacent property owners. *only two(2) Property owners and both are petitioners therefore no need for letters.*
Petitioners seek the abandonment for the following reasons:

we are the only Property owners on Sunny Ln.
where it's unimproved (Dirt + Rock) and wish
To Landscape, improved + maintain it as a
Driveway which¹ is the sole current use.

termination of the remaining street. The list of adjacent property owners and letters of no objection should include those lot owners who might be affected by such a cul-de-sac or turnaround.

7. **IF A CUL-DE-SAC OR 'T' TYPE TURNAROUND IS REQUIRED** to be constructed, it will be the responsibility of the petitioner, if the road to be abandoned will result in an existing rock or paved road being shortened. See Monroe County Code Sec. 9.5-296(p). Indicate in the petition your agreement to construct either one per County Standard Specifications and Details. (If you need information about this, contact Engineering at 292-4427.)

8. **PETITIONER MUST PAY ALL COSTS** of advertising and recording fees incurred relative to the road abandonment.

9. **PETITIONER MUST PAY A \$500 APPLICATION FEE** in a check made payable to Monroe County.

Upon receipt of the petition, all attachments, and application fee Public Safety, Engineering, and Public Works will review the request and determine if the property is needed for County purposes and if it meets all development, emergency access and street construction rules and regulations. Upon recommendation by all three departments, the petition will be presented to the BOCC to request permission to hold a public hearing. Upon the Board's approval, a notice will be published setting forth the date and time of the public hearing. The petitioner and/or his agent will be required to attend this public hearing in order to answer any questions the BOCC may have.

The following are County Code provisions which may affect your petition.

Sec. 9.5-296

(h) Where a subdivision abuts or contains existing or proposed arterial streets, the county engineer may require marginal-access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(m) Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect any other street at less than eighty (80) degrees.

(n) Property lines at street intersections shall be rounded with a minimum radius of twenty-five (25') feet, or a greater radius where the county engineer may deem it necessary. The county engineer may permit comparable cutoffs or chords in place of rounded corners.

(o) Half-streets shall be prohibited, except where essential to the reasonable development of the subdivision on conformity with the other requirements of this article, and where the county engineer finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

(p) Dead-end streets, designed to be so permanently, shall be provided at the closed end with a turnaround having an outside roadway diameter of at least seventy (70') feet, or may be provided with a "T" type turnaround as may be approved per "Standard Specifications and Details of Monroe County" by the department of planning.

(r) Paved roads and streets shall be paved at least twenty (20') feet wide on a minimum base width of twenty-two (22') feet, all as required in Monroe County's typical standard construction details.

(s) Stabilized shoulders seven (7') feet wide shall be provided for public parking and safety alongside roads and streets.

Sec. 16-1. Abandonment of rights-of-way.

(a) No dedicated and accepted right-of-way in the County can be abandoned where the right-of-way terminates on a body of open water.

(b) In all other cases of abandonment, no right-of-way can be abandoned unless there is an agreement to do so by all property owners on both sides of the right-of-way.

(c) The county commission considers these a restriction on the rights of individuals who desire to abandon properties in accordance with Florida Statutes sec. 336.09.

Petitioners agree to be responsible for and pay for all costs of advertising and recording fees incurred relative to this request for the vacation.

Petitioners further agree to grant any easement necessary for the furnishing of utilities, including without limitation, electric power, water, sewer, telephone, gas, cable and other electric communication services to the same extent as is common within this area as to height, width and degree, upon request for such service or by the BOCC through its authorized agents. If easements are so required, copies of the executed documents will be provided to the County before the petition is presented to the BOCC.

Petitioners certify that the road to be abandoned does not end at water or that, if it does, the road is not a dedicated and accepted right-of-way (including by operation of law due to construction or maintenance by County).

WHEREFORE, Petitioners formally request the Honorable Board of County Commissioners to grant this petition.

Lynn A. Smith
PETITIONER

[] Is personally known to me.

☒ Provided as identification FLDL# S530-257-52-047-0 ex 2-2009

Sworn to and subscribed before me this 21 day of April, 2005.

Susan V. Meneses
Typed Notary Name and Number

Susan V. Meneses
Notary Signature and Seal



[Signature]
PETITIONER

* ☒ Is personally known to me.
[] Provided as identification _____

Sworn to and subscribed before me this 27 day of April, 2005.

Vanessa Hedrick
Typed Notary Name and Number

Vanessa Hedrick
Notary Signature and Seal



County Attorney's Office
PO Box 1026
502 Whitehead St. 3rd Floor
Key West, FL 33041-1026

Phone - 305/292-3470,
Fax - 305/292-3516
E-mail - cayjan@mail.state.fl.us
6/01 jeh

ROAD ABANDONMENT INFORMATION

No road can be abandoned which has been dedicated (by plat, deed or other document) and accepted (by resolution of the Board of County Commissioners (BOCC) or by construction and maintenance) if the road, as platted, terminates on an open body of water. This applies whether or not the road has actually been constructed to the water's edge as long as the dedicated road goes to the water.

Allow plenty of time for departmental review and scheduling petition for the BOCC meetings. The abandonment process can take a long time. The filing of a petition does not entitle you to the abandonment.

The public hearing must be held in the area in which the road is located. The meetings of BOCC are held in Key Largo, Marathon and Key West. **DO NOT** request a Key Largo abandonment to be heard in Key West or Marathon or vice versa. The request for approval to advertise the hearing will usually be agendaed the month prior to the public hearing.

The following pre-requisites must be met in order for the BOCC to consider a road abandonment petition. Please provide 10 copies of the following or allow additional time for County personnel to reproduce them.

1. **SURVEY OF SAID ROADWAY SHOWING ROAD AND ADJOINING PROPERTIES.**
(preferably 11" x 17" or 8½" x 11") Property owned by petitioner must be clearly marked. Portion of roadway petitioner desires to have abandoned must be marked with diagonal lines. The survey must include all properties adjacent to the portion of road to be abandoned. Include on the survey sufficient detail to inform of type of road surface (rock, asphalt, etc.), road width, utility poles, valve boxes, drains, landscaping, encroachments and any other appurtenance. In marking the survey, be careful not to obliterate any survey markings or descriptions. You may outline your property in one color of highlighter, other owned property by a different color of highlighter, and the roadway portion to be abandoned in a third color.
2. **COPY OF STRIP MAP** or other drawing of island clearly showing where petitioner's property and the road to be abandoned are located on the island and the Mile Markers. You may substitute an aerial photograph with a scale no larger than 1" = 300'. All maps should include US 1 and mile marker information.
3. **COPIES OF DEEDS** showing petitioner's ownership of property adjacent to that portion of road to be abandoned.
4. **CORRECT LEGAL DESCRIPTION OF THE PORTION OF ROADWAY TO BE ABANDONED.**
This must be a metes and bounds description unless a recorded plat is referenced. If a recorded plat is referenced, you must provide sufficient description that the portion of roadway to be abandoned can be readily determined.
5. **LETTERS OF NO OBJECTION FROM ALL UTILITY COMPANIES** - including electric, water, telephone and cable TV. Should it be necessary for you to grant easements to any utility company, you must furnish fully executed copies of said easement forms.
6. **LETTERS OF NO OBJECTION FROM ALL ADJACENT OR AFFECTED PROPERTY OWNERS.** An affected lot owner is one who would theoretically have a means of access to his lot closed off by the abandonment even though he may not actually use the right-of-way prior to abandonment, or one whose property abuts the resulting road terminal where a cul-de-sac or "T" type turnaround must be constructed. Your notice of the road abandonment should include a statement that you may be required to construct a cul-de-sac or "T" type turnaround at the resulting

RESOLUTION NO. 103 -1969

WHEREAS, the Board of County Commissioners of Monroe County, Florida has been petitioned to renounce and disclaim any right of the County and the public in and to the hereinafter described street, alley-way, road or highway as delineated on the hereinafter described map or plat, and

WHEREAS, due notice has been published and a public hearing has been held in accordance with Chapter 336, Florida Statutes, and

WHEREAS, at said public hearing no objections were made to the renouncing and disclaiming of any right of the County and the public in and to the hereinafter described street, alley-way, road or highway as delineated on the hereinafter described map or plat, now, therefore,

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, that said Board hereby renounces and disclaims any right of the County and the public in and to the following described street, alley-way, road or highway as delineated on the hereinafter described map or plat, to-wit:

That portion of Sunny Lane lying between Lot 1, Block 1, and Lots 1 and 2, Block 5, and all of Sycks Drive, as shown on plat of Cudjoe Gardens, recorded in Plat Book 4, page 78, of the Public Records of Monroe County, Florida.

BE IT FURTHER RESOLVED BY SAID BOARD that the Clerk of said Board be, and he is hereby authorized and ordered to publish notice of the adoption of this Resolution by said Board in accordance with the provisions of Chapter 336, Florida Statutes.

Dated October 14th, 1969.



Southern Bell

K. W. CATLIN
DISTRICT ENGINEER
AREA CODE 305 248-2922

205 NORTH KROME AVENUE

HOMESTEAD, FLORIDA

RECEIVED

SEP 23 1969

COUNTY ATTORNEY'S OFFICE

September 20, 1969
Key West, Florida

Mr. Vincent M. Drost
P. O. Box 21
Drost Dr. Cudjoe Gardens
Sugar loaf Shores, Florida 33044

COPY TO: Mr. Fred Tittle
Legal Advisor To The
Board of County Commissioners
Monroe County Court House
Key West, Florida 33040

Dear Sir:

Your request of September 15, 1969 pertaining to the abandonment of a portion of Sunny Lane, and Syck's Drive, Cudjoe Gardens, P. B. 4 page 78, Public Records of Monroe County, has been field checked and Southern Bell Telephone and Telegraph Company at this time does not have any cables or structures involved. Therefore, we have no objection to the abandonment.

If any further assistance is required in this manner please contact Mr. G. H. Van Kessel at 296-9010 (collect) in Key West.

Yours truly,

K. W. Catlin
District Engineer

GVK/mr

UTILITY BOARD OF THE CITY OF KEY WEST

P. O. DRAWER 1060



KEY WEST, FLORIDA 33040

September 17, 1969

County Commissioners
Monroe County, Florida
Attention Mr. Fred Tittle

RECEIVED

SEP 19 1969

COUNTY ATTORNEY'S OFFICE

Dear Sir:

The City Electric System poses no objection to the request for abandonment of a portion of Sunny Lane and all of Sycks Drive, Cudjoe Gardens P. B. 4 page 78.

We have no utilities on the mentioned roads. We would appreciate a copy of the proposed replat before the county accepts same for approval.

Very truly yours,

UTILITY BOARD - CITY OF KEY WEST
"CITY ELECTRIC SYSTEM"
J. S. Roberts, Manager

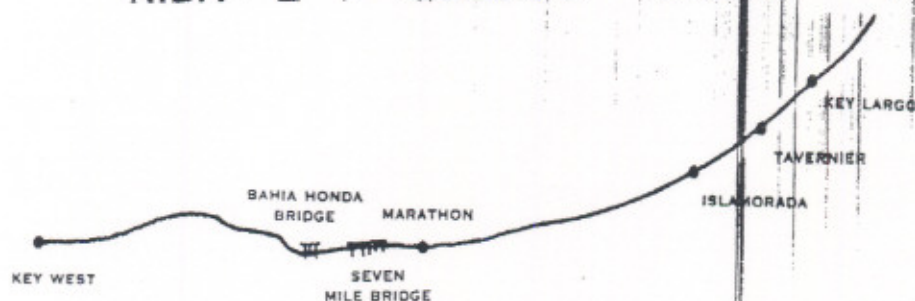
A handwritten signature in dark ink, appearing to read "George F. Almeda".
George F. Almeda
Superintendent of Engineering

GFA;cja

cc: Vincent M. Drost
J. S. Roberts



RIDA E S QUEDUCT OMNIS



September 18, 1969

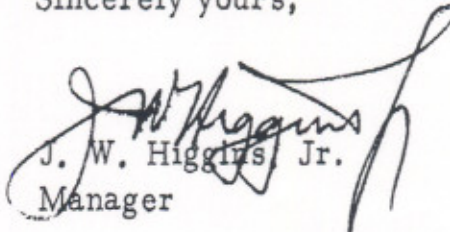
Mr. Donald Cormack
Director
Building & Zoning Department
Monroe County Court House
Key West, Florida 33040

Dear Mr. Cormack:

Enclosed is a letter from Mr. Vincent M. Drost concerning an application for vacating certain streets in a portion of Plat Book 4, Page 78 of the Public Records of Monroe County, Florida, together with a portion of the diagram of that Plat Book Page.

The Florida Keys Aqueduct Commission has no lines under the streets sought to be vacated and will not be affected by such vacation in Cudjoe Gardens.

Sincerely yours,


J. W. Higgins, Jr.
Manager

JWH/hgh

RECEIVED

SEP 19 1969

COUNTY ATTORNEY'S OFFICE

Home of the World's Largest Single Purpose Desalting Plant

P. O. BOX 1239 • KEY WEST, FLORIDA 33040

Vincent M. Drost
P. O. Box 21
Drost Dr., Cudjoe Gardens
Sugar Loaf Shores, Florida 33014

September 15, 1969

Capt. J. W. Higgins:
Florida Keys Aqueduct Commission
P. O. Box 1239
Key West, Florida 33040

Dear Capt. Higgins:

A public hearing on the abandonment of that portion of Sunny Lane ENE'rly of Drost Drive and all of Sycks Drive, Cudjoe Gardens, P. B. 4, page 78, Public Records of Monroe County, Florida has been set for Tuesday, October 14th, 1969, at 2:00 P. M. in the County Commission Chambers.

I am enclosing a portion of plat book 4, page 78, Public Records of Monroe County, Florida. Streets to be abandoned are outlined in red.

I am planning on digging a canal through this property and adjoining land and replatting for better usage.

"It is the policy of the County Commission that before any street or road can be abandoned, letters must be presented from all utility companies (electric power, water and telephone) stating that the company has no lines or pipes on or under the portion of the street or road sought to be abandoned, and will not be affected by such abandonment".

I would appreciate such a letter from you to the County Commission, attention of Mr. Fred Tittle, Legal Advisor to the Board.

Sincerely yours,

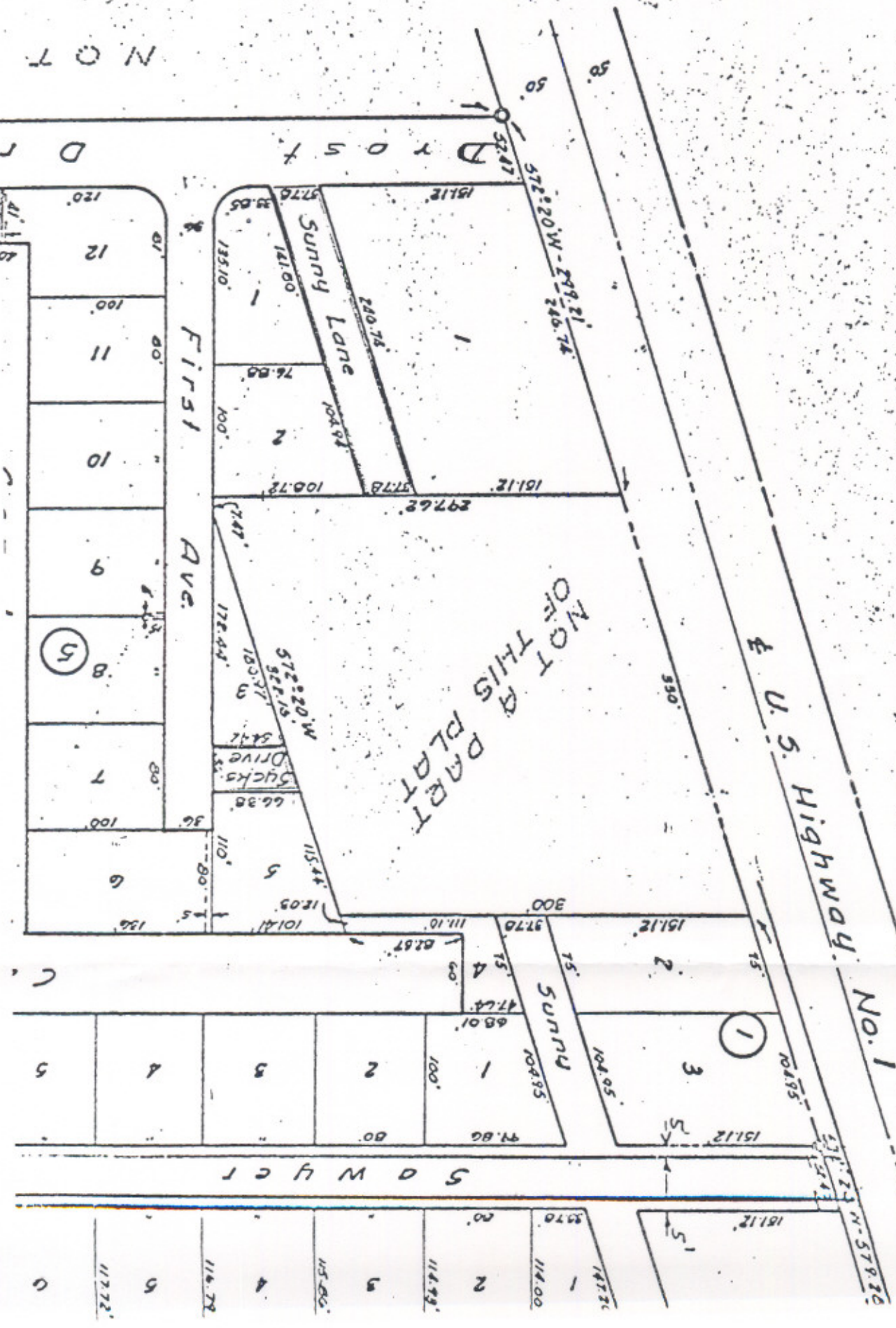
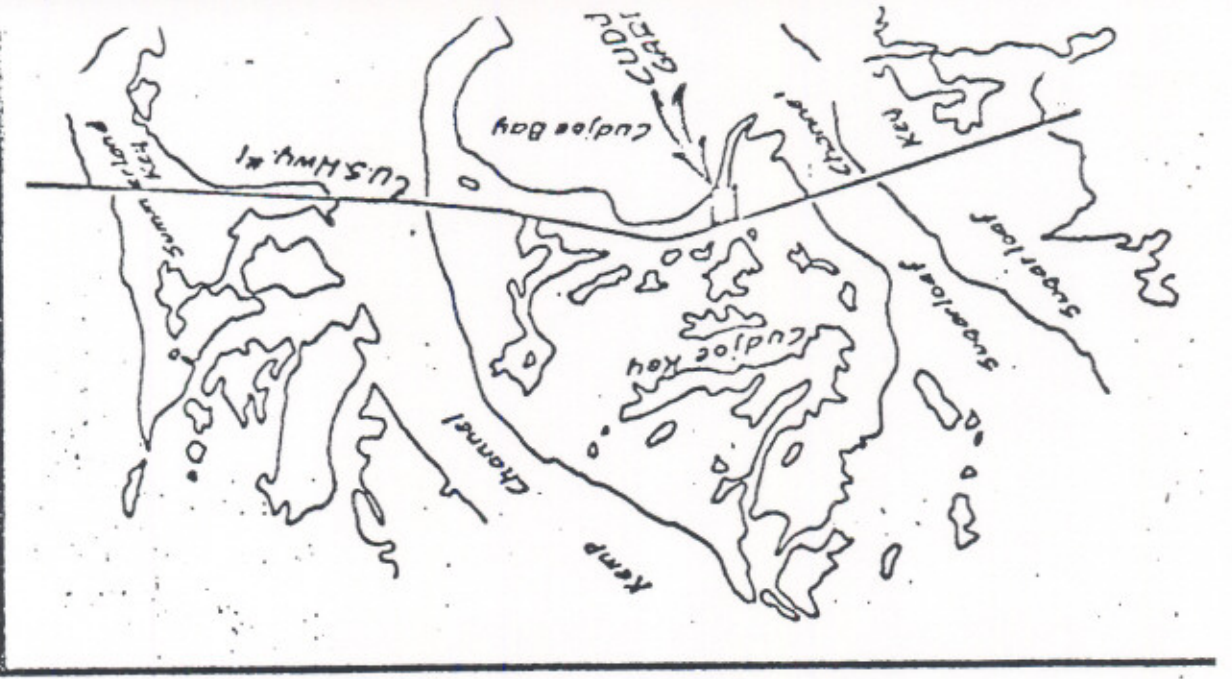
Vincent M. Drost

Vincent M. Drost

SEP 16 1969

CUDJOE GARDENS

PART OF
P.B. 4 PAGE 78



FLORIDA KEYS ELECTRIC COOPERATIVE ASSOCIATION, INC.

PHONE 852-2431
TAVERNIER, FLORIDA 33070

TRUSTEES:

FRANK F. TAYLOR, JR., PRESIDENT, KEY LARGO
GARY T. EDELSON, VICE PRES., MARATHON
MILDRED LEE, TREASURER, ISLAMORADA
G. CARLTON WALTERS, SECRETARY, MARATHON

JAMES T. ELLIS
MANAGER

TRUSTEES:

DEAN C. ELVER, KEY COLONY BEACH
CARROLL KENNEDY, ISLAMORADA
WALTER E. KRAMER, ISLAMORADA
WILLIAM A. LANE, TAVERNIER
LEO F. LIPPS, TAVERNIER

September 16, 1969

Mr. Fred Tittle
County Attorney
County Commission
Court House
Key West, Fla. 33040

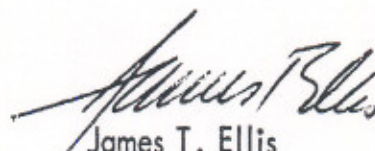
Dear Mr. Tittle:

This letter is in response to a request from Otis B. Radebaugh, Jr., attorney, with respect to the proceeding to vacate Parrish Lane, Bayview Subdivision, P. B. 2, page 101, Public Records of Monroe County.

The Cooperative has constructed and maintains an electric distribution line in Parrish Lane serving a number of customers from that line.

Sincerely,

FLORIDA KEYS ELECTRIC
COOPERATIVE ASS'N., INC.


James T. Ellis
Manager

JTE/em

FLORIDA KEYS ELECTRIC COOPERATIVE ASSOCIATION, INC.

PHONE 852-2431

TAVERNIER, FLORIDA 33070

TRUSTEES:

FRANK F. TAYLOR, JR., PRESIDENT, KEY LARGO
GARY T. EDELSON, VICE PRES., MARATHON
MILDRED LEE, TREASURER, ISLAMORADA
G. CARLTON WALTERS, SECRETARY, MARATHON

JAMES T. ELLIS

MANAGER

TRUSTEES:

DEAN C. ELVER, KEY COLONY BEACH
CARROLL KENNEDY, ISLAMORADA
WALTER E. KRAMER, ISLAMORADA
WILLIAM A. LANE, TAVERNIER
LEO F. LIPPS, TAVERNIER

September 16, 1969

Mr. Fred Tittle
County Attorney
County Commission
Court House
Key West, Fla. 33040

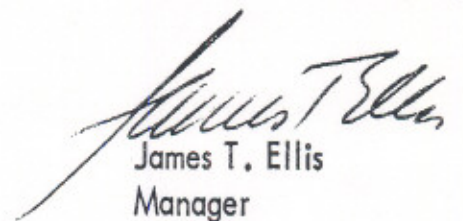
Dear Mr. Tittle:

I have received a letter from Mr. Thomas J. Dowdell, III with respect to Hibiscus Drive in the amended plat of Marathon Shores as recorded in Plat Book 3, page 58 and the proceeding to vacate the portion of Hibiscus Drive situated in such subdivision.

This Cooperative has no facilities situated in Hibiscus Drive.

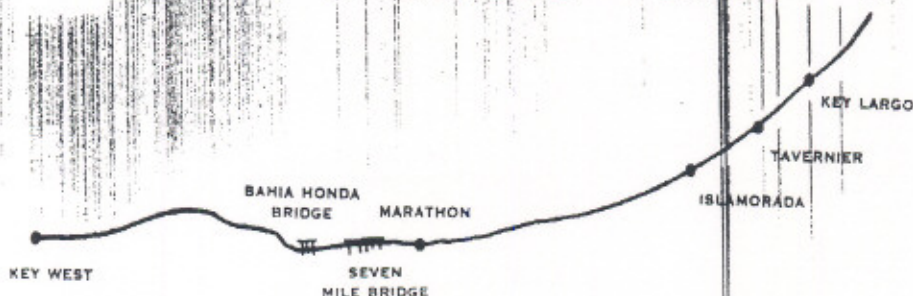
Sincerely,

FLORIDA KEYS ELECTRIC
COOPERATIVE ASS'N., INC.


James T. Ellis
Manager

JTE/em

FLORIDA KEYS AQUEDUCT COMMISSION



September 16, 1969

Mr. Donald Cormack
Director
Building & Zoning Department
Monroe County Court House
Key West, Florida 33040

Dear Mr. Cormack:

This letter is being forwarded to you at the request of Mr. George Eager in accordance with his letter of September 13, 1969 which is attached. There is also attached the legal description of two rights of way which he desires to have vacated.

The Florida Keys Aqueduct Commission has no objection to the rights of way as described in being vacated. These roads are recorded in Plat Book 1, Page 68. For your information these roads as abandoned are indicated on a Bailey, Mooney, Post Associates print dated 4/15/69 Tentative Plat.

Sincerely yours,

J. W. Higgins, Jr.
Manager

JWH/hgh

Encl.

c. c. Mr. George Eager

Home of the World's Largest Single Purpose Desalting Plant

P. O. BOX 1239 • KEY WEST, FLORIDA 33040

September 13, 1969

Captian Higgins
Florida Keys Aqueduct Commission
Key West, Florida

Dear Sir:

I enclose legal description of the roads to be abandoned
in Sexton Cove Estates as per our phone conversation.

Thank you for your kindness.

Sincerely,



George Eager

SEP 15 1969

BAILEY, GLASS & POST, INC.

POST OFFICE BOX 347
ISLAMORADA, FLORIDA 33036
TELEPHONE: 305/664-4628

CONSULTING ENGINEERS AND SURVEYORS

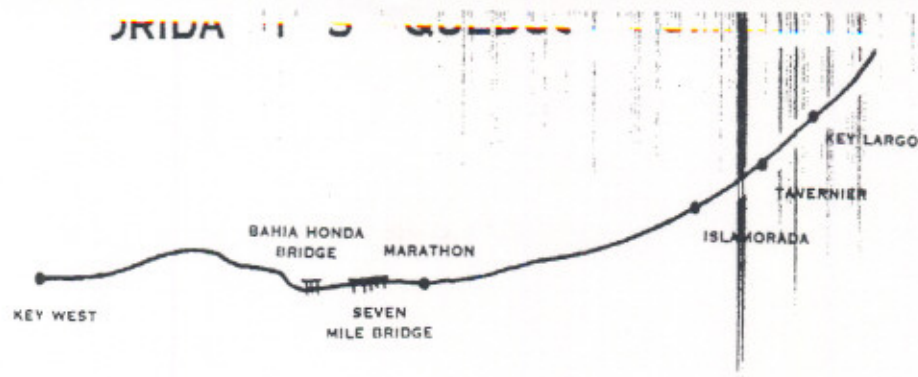
LEGAL DESCRIPTION

for abandoning two 30 ft. roads in Model Land Co.,
plat as recorded in Plat Book 1 at page 68.

1. A 30 ft. right of way being more particularly described as the Westerly 15 feet of Lot 13, Section 1-61-39 according to the Model Land Company Plat as recorded in Plat Book 1 at Page 68 of the Public Records of Monroe County, Florida and the Easterly 15 feet of Government Lot 1, Section 1, Township 61 South, Range 39 East lying North of the Westerly prolongation of the South line of said Lot 13.
2. A 30 foot right of way being more particularly described as the Easterly 15 feet of Lot 14, Section 1-61-39 and the Westerly 15 feet of Lot 15, Section 1-61-39 according to the Model Land Company Plat as recorded in Plat Book 1 at Page 68 of the Public Records of Monroe County, Florida.

Sept. 8, 1969

05-69-017.0



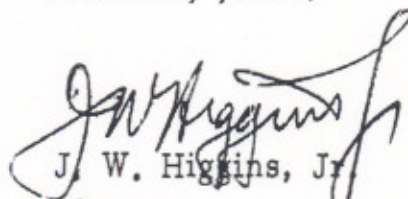
September 16, 1969

Mr. Donald Cormack
Director
Building & Zoning Department
Monroe County Court House
Key West, Florida 33040

Dear Mr. Cormack:

This is to advise that there are no water lines on or under Parrish Lane in Bayview Subdivision, Plat 2, Page 101, Public Records of Monroe County, Florida. The Florida Keys Aqueduct Commission has no objection to the abandonment of Parrish Lane or a portion thereof.

Sincerely yours,


J. W. Higgins, Jr.
Manager

JWH/hgh

Home of the World's Largest Single Purpose Desalting Plant
P. O. BOX 1239 • KEY WEST, FLORIDA 33040